

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
LINK FUNDING LLC,

Plaintiff,

-against-

METRO AIR SERVICES INC., H & H AIR
CARGO, INC., H & H AIR CARGO INC.,
METRO AIR SERVICES and APRIL SUE
SCHNEIDER,

Defendants.

ANALISA TORRES, District Judge:

USDC SDNY
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24 Civ. 5003 (AT)

ORDER

On July 1, 2024, Defendants removed this action from the Supreme Court of the State of New York, Monroe County. ECF No. 1. A defendant in a state-court action may remove a matter to federal district court if the district court has original jurisdiction over the action. 28 U.S.C. § 1441(a). The right of removal is “entirely a creature of statute,” and the “statutory procedures for removal are to be strictly construed.” *Syngenta Crop Protection, Inc. v. Henson*, 537 U.S. 28, 32 (2002). A federal district court may *sua sponte* remand an action within thirty days of the filing of the notice of removal for a procedural defect, or at any time for a lack of subject matter jurisdiction. *See* 28 U.S.C. § 1447(c); *Mitskovski v. Buffalo & Fort Erie Pub. Bridge Auth.*, 435 F.3d 127, 131–33 (2d Cir. 2006).

Removal of this case is improper. Under 28 U.S.C. § 1441(a), removal of a state court action must be “to the district court of the United States for the district and division embracing the place where such action is pending.” Removal of an action from the Supreme Court of the State of New York, Monroe County, to the Southern District of New York is improper because Monroe County is in the Western District of New York. *See* 28 U.S.C. § 112(d).

This action is REMANDED to the Supreme Court of the State of New York, Monroe County. The Clerk of Court is directed to send a copy of this order to that court and to close this case.

SO ORDERED.

Dated: July 3, 2024
New York, New York



ANALISA TORRES
United States District Judge